

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNION PACIFIC RAILROAD COMPANY,

Plaintiff,

vs.

COLONY NATIONAL INSURANCE  
COMPANY, DEANGELO BROTHERS, Inc.;  
and AMERICAN HOME ASSURANCE  
COMPANY,

Defendants.

**8:13CV84**

**ORDER**

This matter came before the Court on the Joint Proposed Stipulation for Extension and Request for Status Hearing ([Filing No. 174](#)). The parties request an extension of the deadlines to designate deposition testimony, discovery responses, and trial exhibits. The parties also request a telephonic status conference to discuss recent developments in the case and their effect on trial preparation and the trial. Accordingly,

**IT IS ORDERED:** The Joint Proposed Stipulation for Extension and Request for Status Hearing ([Filing No. 174](#)) is granted, as set forth below:

1. **Pretrial Disclosures.** Pursuant to Fed. R. Civ. P. 26(a)(3), each party shall serve opposing counsel and file a redacted version as applicable with the following information regarding the evidence it may present at trial, other than solely for impeachment purposes, as soon as practicable, but no later than the dates specified below:
  - a. **Non-expert Witnesses** – No later than **February 9, 2018**, the name address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.
  - b. **Deposition Testimony and Discovery** – No later than **February 9, 2018**, the designation of discovery testimony and discovery responses intended to be utilized at trial.
  - c. **Trial Exhibits** – No later than **February 9, 2018**, a list of all exhibits expected to be offered at trial, including a numbered listing and

accessibility for examination of such exhibits, designating on the list those exhibits that may be offered only if the need arises.

- d. **Waiver of Objections.** Any and all objections to the use of the witnesses, deposition testimony, discovery responses, or exhibits disclosed pursuant to the above subparagraphs, including any objection pursuant to Fed. R. Civ. P. 32(a) that a deponent is available to testify at the trial, shall be made a part of the pretrial order. Failure to list objections (except those under Fed. R. Evid. 402 and 403) is a waiver of such objections, unless excused by the court for good cause shown.

- 2. A status conference is set for December 22, 2017, at 10:00 a.m., by telephone with the undersigned magistrate judge. **A separate order will be filed with conferencing instructions.**

Dated this 6<sup>th</sup> day of December, 2017.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge